

Notice of Allowability

Application No.

10/728,530

Examiner

Thong Q. Nguyen

Applicant(s)

GANSER, MICHAEL

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment of 7/5/2005.
2. ☒ The allowed claim(s) is/are 6-17 which are renumbered as claims 1-12.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Thong Q. Nguyen
Primary Examiner
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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 5, 2005 has been entered.

Response to Amendment

2. The present Office action is made in response to the amendment filed on July 5, 2005. It is noted that in the amendment of 7/5/2005, applicant has made amendments to the drawings, the specification and the claims 6, 10, 12 and 16.

Priority

3. The objection to the Priority as set forth in the previous Office action is now withdrawn because the amendments to the claims and the specification are sufficient to overcome the objections to the priority of the foreigner application.

Drawings

4. The drawings contained two corrected figures 2-3 was received on 7/5/2005. The corrected figures 2-3 are approved by the Examiner. As a result, the drawings of the present application now contain three sheets of figures 1-3.

Specification

5. The lengthy specification which is amended by the amendment of 7/5/2005 has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

6. The objection to the specification as set forth in the previous Office action is now withdrawn due to the amendments to the specification filed on 7/5/2005.

Claim Rejections - 35 USC § 112

7. The rejections of the claims 6-17 as set forth in the previous Office action are now withdrawn due to the amendments to the claims and the specification as set forth in the amendment of 7/5/2005.

EXAMINER'S AMENDMENT

8. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In claim 12: on lines 9-10,

Changed "motor and lamp housed within said microscope stand, said at least one control and power supply unit." To

--motor and lamp housed within said microscope stand.--

The change to claim 12 is made for the purpose of making the claim comply with the requirement of 35 USC 112, second paragraph. The reason to support for the mentioned changes are as follow:

First, It is noted that the claim recites the feature thereof "a box including...at least one motor and lamp housed within said microscope stand, said at least one control and power supply unit." See lines 3-9 of the claim. Such feature is indefinite because it is unclear about the structure recited in the phrase thereof "wherein said control...said at least one control and power unit" appeared on lines 7-10 of the claim.

Second, the feature "said at least one control and power supply unit" (lines 9-10) lacks a proper antecedent basis. Applicant should note that the claim on line 3 recites the feature of "at least one power unit and control". In other words, line 3 of the claim does not provide support for the feature "said at least one control and power supply unit" recited on lines 9-10 of the claim.

Allowable Subject Matter

9. Claims 6-17 are allowed.

10. The following is an examiner's statement of reasons for allowance:

The automated microscope system as recited in each of claims 6 and 12 is patentable with respect to the prior art, in particular, the U.S. Patent Nos.

5,559,631 and 5,566,020, by the limitations related to the box includes at least one power supply unit and control for use with multiple circuit boards for use with different types of microscope stands wherein the box is physically separated from

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the microscope stand and the control is used for controlling at least one motor and/or lamp housed within the microscope stand. It is noted that while the use of a box for controlling at least one motor or lamp which box is physically separated from the microscope stand is known to one skilled in the art as can be seen in each of the mentioned Patents; however, the cited art does not disclose that the box the box includes at least one power supply unit and control for use with multiple circuit boards for use with different types of microscope stands wherein the control is used for controlling at least one motor and/or lamp housed within the microscope stand

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

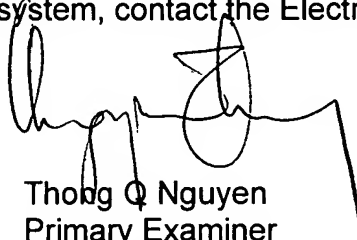
Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thong Q. Nguyen whose telephone number is (571) 272-2316. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew A. Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thong Q. Nguyen
Primary Examiner
Art Unit 2872

*Early approval
JUL 05 2005
9/5/07*



REPLACEMENT SHEET

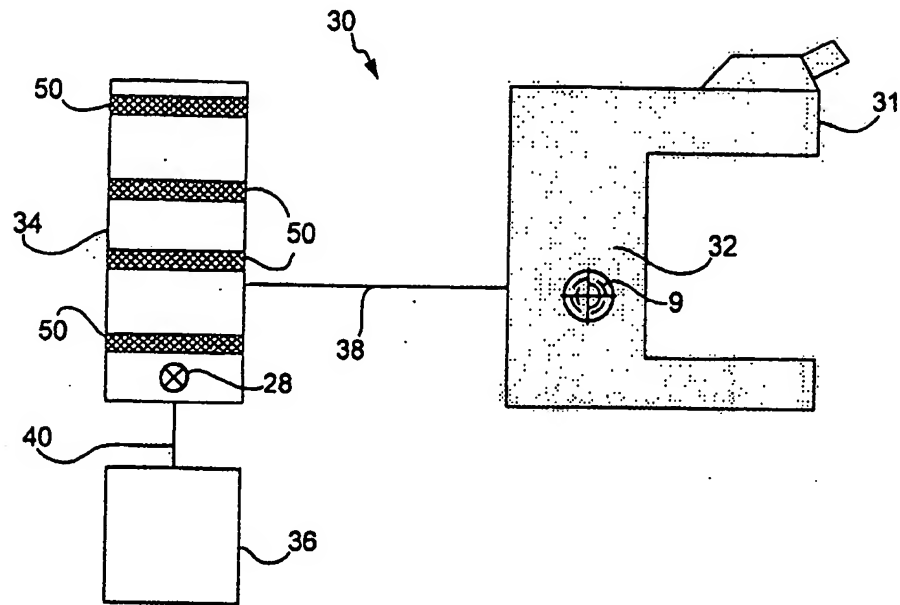


Fig. 2

REPLACEMENT SHEET

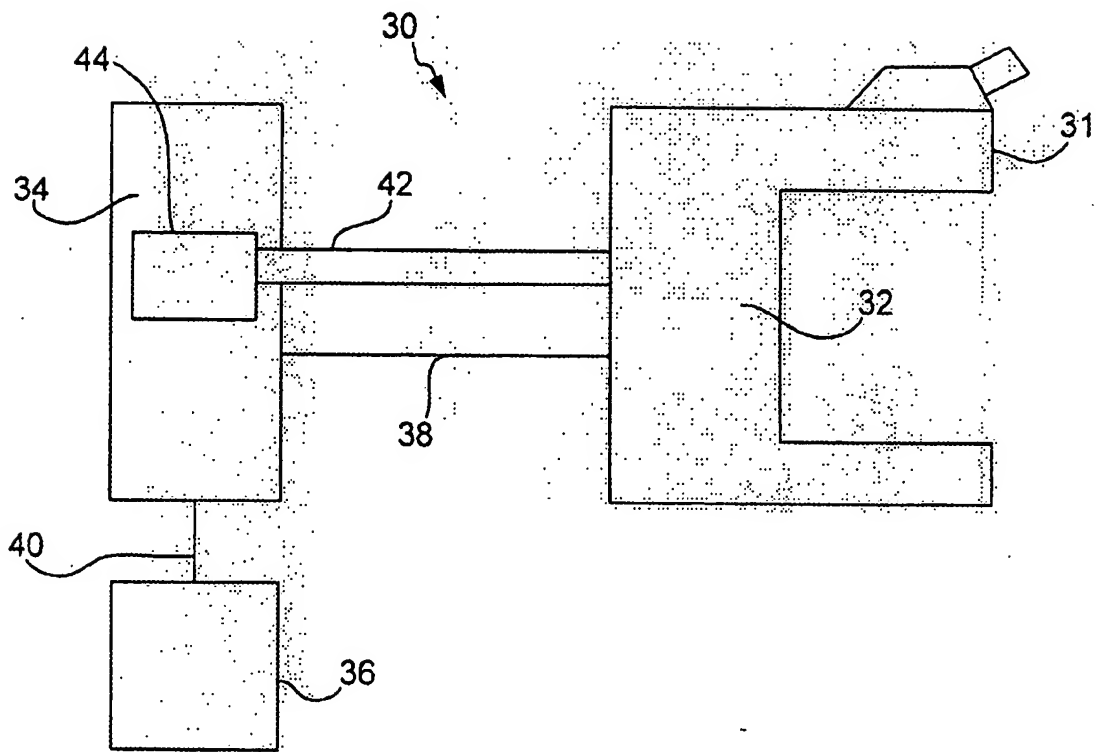


Fig. 3